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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/333,591	06/14/1999	JAMES D. DAVIS	P4132/SUN1P	4277

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EXAMINER

ANYA, CHARLES E

ART UNIT	PAPER NUMBER
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2126

DATE MAILED: 04/24/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/333,591	DAVIS ET AL.	
	Examiner Charles E Anya	Art Unit 2126	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3/MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 19 February 2003.

2a) This action is **FINAL**.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-17 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-17 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.

4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 – 2, 4 – 5, 7 – 11 and 14 – 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 5,452,433 to Nihart et al. in view of applicant's admitted prior art (hereinafter referred to as APA).

As to claim 1, Nihart teaches a Common Information Model (CIM) Object Manager (Common Agent 130, Common Agent Library Routine 160, Col. 6, Ln. 17 – 33), a Host Computer (Local Computer System 120), CIM Repository (Target Component 112, Location Directory Process 162, Col. 6, Ln. 17 – 33), a Connection (“...remote procedure call (RPC)...”, Col. 9, Ln. 53 – 67), a Protocol Indicator (“...a handle...”, Col. 6, Ln. 17 – 33), a Protocol-Specific Object (Protocol Engine 122 Col. 5 Ln. 44 – 51) and returning a protocol-specific object (“...call 134 Col. 5 Ln. 47 – 56). APA teaches a Repository Application Programming (API) (Local Interface/Connection 28, figure 10). It would have been obvious to apply the teaching of APA to the system of Nihart. One would have been motivated to make such a modification in order to provide plurality of operations on a repository.

As to claim 2, Nihart teaches a Method (“...call...”, Col. 6, Ln. 19 – 29), transmitting (“...call...”, Col. 6, Ln. 19 – 29) and a Result (Step 212, Step 214, Col. 10, Ln. 46 – 57).

As to claim 4, Nihart teaches the CIM repository to be resident on the host computer (Computer 110, Computer 120, Col. 4, Ln. 42 – 52).

As to claim 5, Nihart teaches the CIM repository to be resident on a separate computer (Computer 110, Computer 120, Col. 4, Ln. 42 – 52).

As to claim 7, Nihart teaches a CIM Repository Database (Location Directory Process 162), a CIM Object Manager (Common Agent 130, Col. 6, Ln. 17 – 33), a Protocol Indicator (“...handle...”, Col. 6, Ln. 17 – 33), Program Code (Library 160, Col. 6, Ln. 17 – 33), a Factory Class (Root Node 182, Col 6, Ln. 34 – 53), a First Class (Node 172, Col. 6, Ln. 34 – 53) and a Second Class (Node 172, Col. 6, Ln. 34 – 53).

APA teaches a Repository Application Programming (API) (Local Interface/Connection 28, figure 10). It would have been obvious to apply the teaching of APA to the system of Nihart. One would have been motivated to make such a modification in order to provide plurality of operations on a repository.

As to claim 8, Nihart teaches a Method Call (Call 132, Call 134, Col. 5, Ln. 44 – 51, Col. 8, Ln. 22 – 31), a Management Application (Management Tool 102, Col. 5, Ln. 44 – 51, Col. 8, Ln. 22 – 31).

As to claim 9, see the rejection of claim 4.

As to claim 10, Nihart teaches a Network Connection (“...remotely located from computer 120”, Col. 4, Ln. 42 – 53).

As to claim 11, see the rejection of claim 3.

As to claim 14, see the rejection of claim 1.

As to claim 15, see the rejection of claim 2.

As to claim 16, see the rejection of claim 3.

As to claim 17, see the rejection of claim 6.

3. Claims 3,6 and 12 – 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 5,452,433 to Nihart et al. in view of APA as applied to claim 7 above, and further in view of Ismael et al.

As to claim 3, Nihart as modified in claim 1 does not teach a LDAP, JDBC or JAVA.

Ismael teaches a LDAP, JDBC or JAVA (Java RMI System, Col. 12, Ln. 1 – 4).

It would have been obvious to apply the teaching of Ismael to the system of Nihart. One would have been motivated to make such a modification in order that java management application can interact with an agent, regardless of the communications protocol (Col. 12, Ln. 7 – 10).

As to claim 6, Nihart as modified in claim 1 does not teach calling JAVA Factory Class.

Ismael teaches calling JAVA Factory Class (“...Java classes...”, Col. 14, Ln. 28 – 31). It would have been obvious to apply the teaching of Ismael to the system of Nihart. One would have been motivated to make such a modification to enable a Java management application to access an agent using Java remote method invocation.

As to claim 12, Nihart as modified in claim 7 teaches a Different Protocol (“...multiple management protocol...”, Col. 2, Ln. 10 – 14).

Nihart as modified in claim 7 is silent with reference to a plurality of CIM repository. Isamael teaches a Plurality of Repository (Core Management Services 25, 26, 27, 28). It would have been obvious to apply the teaching of Isamael to the system of Nihart. One would have been motivated to make such a modification in order provide different repository for different protocol objects.

As to claim 13, see the rejection of claim 5.

#### ***Response to Arguments***

4. Applicant's arguments filed 2/19/03 have been fully considered but they are not persuasive.

Applicant argues that the office action asserts that Nihart teaches “creating a protocol specific object and returning the protocol specific object as finding handles and returning a list of handles”. The handle only specifies how the engine translator process 150 calls each specified component (Col. 6 Ln. 4 – 33). It is the function of the protocol engine to specify/create a protocol-specific management operation that is performed and this operation is translated into call 134 and returned to common agent 130 for communication with the target component 112 (Col 5 Ln. 40 – 51).

Applicant also argues that the CIM repository of claim 1 holds data objects that have been previously stored. This claim limitation is not brought out in the claim and as a result is not considered.

Applicant also argues that the repository API of claim 1 establishes multiple connections using multiple protocols between multiple repositories and CIM object manager. Again this limitation is not brought out in the claim, thus is not considered.

In claim 7 Applicant argues that the nodes of Nihart are not the same as classes. Referring to column 6 lines 34 – 53, the components are arranged in a hierarchical form in location directory. Each of these components is associated with a node (Col. 7 Ln. 4 – 6) and is of a particular class or type (Col. 6 Ln. 45 – 48).

### *Conclusion*

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles E Anya whose telephone number is (703) 305-

3411. The examiner can normally be reached on M – F (First Friday Off) from 8:30 am to 5:30 pm.

The fax phone number for the organization where this application or proceeding is assigned is (703) 746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Charles E Anya  
Examiner  
Art Unit 2151

*Sehalas*